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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,422	12/12/2003	Jean-Claude Saghbini	07072-158001	2284
26161	7590	06/14/2006	EXAMINER	
FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			OPARE ABETIA, JOSEPH C	
		ART UNIT		PAPER NUMBER
				2165

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/735,422	SAGHBINI ET AL.	
	Examiner Joseph C. Opare-Abetia	Art Unit 2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 12 December 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-34 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-34 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) The invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-7, 8-10, 12-17, 19-21, 23-28, 30-32 and 34 are rejected under 35 U.S.C. 102(a) as being anticipated by Michael G. Mikurak (U.S. Patent No. 6606744 and Mikurak hereinafter).

With respect to claim 1, Mikurak discloses a testing system comprising: back-end software for interacting with a subject database application (i.e., “*A program written with the aid of class libraries is still responsible for the flow of control (i.e., it must control the interactions among all the objects created from a particular library)*.”) The preceding text clearly indicates software for interacting with object in a database)(col. 12 lines 20-23); and a common user-interface for controlling the interaction of the back-end software with the subject database application, the user-interface being independent of the subject database application (i.e., “*... the extent they are allowed, can independently and securely add, delete, and/or otherwise modify the specification of load modules and methods, as well as add, delete or otherwise modify related information.*” The preceding text clearly indicates of an independent

system (user-interface) capable of performing the functions of modification of database application)(col. 89 lines 42-45).

With respect to claims 2, 13 and 34, Mikurak discloses a testing system wherein the common user-interface comprises an API interface (i.e., “*integration into the fundamental control environment of a broad range of electronic appliances through portable API and programming language tools that efficiently support merging of control and auditing capabilities.*” The preceding text clearly indicates of API interface being implemented in the system)(col. 94 lines 66-67; col. 95 lines 1-3).

With respect to claims 3, 14 and 25, Mikurak discloses a testing system wherein the API interface comprises a C language interface (i.e., “*preferred embodiment of the present invention is written using JAVA, C, and the C++ language and utilizes object oriented programming methodology.*” The preceding text clearly indicates that C language is implemented in the system)(col. 9 lines 56-58).

With respect to claims 4, 15 and 26, Mikurak discloses a testing system wherein the common user-interface comprises a command line interface (i.e., “*devices often changes from manufacturer to manufacturer and from device to device, by using an entirely different command structure for each different component.*” The preceding texts clearly indicate of commands being used in the system)(col. 2 lines 5-8).

With respect to claims 5, 16 and 27, Mikurak discloses a testing system wherein the common user-interface comprises a graphical-user interface (i.e., “*development of graphical user interfaces began to turn this procedural programming arrangement...*” The preceding text clearly indicates the use of graphical-user interface)(col. 12 lines 60-67).

With respect to claims 6, 17 and 28, Mikurak discloses a testing system wherein the back-end software includes instructions for causing creation of a test database using a particular subject database application (i.e., “*The network creation processes provides the program management tools to ensure that the launch is successfully executed.*” The preceding text clearly indicates of some kind of command (instruction) is given to ensure creation of an application to be executed successfully)(col. 43 lines 59-61).

With respect to claims 8, 19 and 30, Mikurak discloses a testing system wherein the back-end software includes instructions for reading test data from a test database (i.e., “*...users have permission to manipulate web data (create, read, update, delete) Utilizes centralized directory of profiles for entitlement data.*” The preceding texts clearly indicate that there exist an instruction that allow only user with permission to read from the database therefore, one skilled in the art can claim of instructions for reading data from a database.)(col. 171 lines 5-8).

With respect to claims 9, 20 and 31, Mikurak discloses a testing system wherein the back-end software comprises instructions for comparing the test database with a

copy of the test database (i.e., “*Testing the content of the data interface may include comparing versions of the data interface and utilizing remote and automatic testing capabilities.*” The preceding text clearly indicates the system does the function of comparing versions of data in database on the interface)(col. 132 lines 24-26).

With respect to claims 10, 21 and 32, Mikurak discloses a testing system wherein the instructions for comparing the test database comprise instructions for ascertaining instructions used for populating the test database with test data and verifying the integrity of the copy of the test database on the basis of the populating instructions, whereby the test database need not be available to verify the copy of the test database (i.e., “*...processing (YES output of test 13604), program flow continues to test 13608 to verify the incoming data (order) to assure correct reception and internal consistency.*” The preceding texts indicate that the system performs the function of verification of data in the system (database))(col. 294 lines 1-3).

With respect to claim 34, Mikurak discloses a system for testing the interaction of a test subject with a subject database application, the system comprising: database specific back-end software for interacting with a database application, and database neutral front-end software for controlling the back-end software, the front-end software being independent of the subject database application (i.e., “*... the extent they are allowed, can independently and securely add, delete, and/or otherwise modify the specification of load modules and methods, as well as add, delete or otherwise modify related information.*” The

preceding text clearly indicates of an independent system (user-interface) capable of performing the functions of modification of database application)(col. 89 lines 42-45).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7, 11, 18, 22, 29 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Michael G. Mikurak (U.S. Patent No. 6606744 and Mikurak hereinafter) in view of Eric Michael Jacobson et al. (U.S. Patent No. 6389491 and Jacobson hereinafter).

With respect to claims 7, 18 and 29, Mikurak does not disclose instructions for populating the test database with test data.

Jacobson discloses includes instructions for populating the test database with test data (i.e., “*Instrument driver 14 communicates with the instrument 18 via an I/O layer 16, which typically receives instrument instructions from the instrument driver 14 over an I/O bus (not shown).*” The preceding text clearly indicates that the system is receiving instructions in a testing system. Therefore one skilled in the art can claim of instructions for populating the test database with test data)(col. 3 lines 4-7).

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teaching of Mikurak with the teaching of Jacobson to include instructions for populating the test database with test data with the motivation to being able add data to database (Jacobson, col. 3 line 4-7).

With respect to claims 11, 22 and 33, Mikurak does not disclose instructions for causing a selected portion of the test database to be compared with a copy of the test database (Refer to claims 7, 18 and 29)

Jacobson discloses include instructions for causing a selected portion of the test database to be compared with a copy of the test database (i.e., "*Instrument driver 14 communicates with the instrument 18 via an I/O layer 16, which typically receives instrument instructions from the instrument driver 14 over an I/O bus (not shown).*" The preceding text clearly indicates that the system is receiving instructions in a testing system. Therefore one skilled in the art can claim of instructions for populating the test database with test data)(col. 3 lines 4-7).

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teaching of Mikurak with the teaching of Jacobson to include instructions for causing a selected portion of the test database to be compared with a copy of the test database with the motivation to being able differentiate old and current data easily (Jacobson, col. 3 line 4-7)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph C. Opare-Abetia whose telephone number is (571) 272-6594. The examiner can normally be reached on mon-fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JEFFREY A. GAFFIN can be reached on (571) 272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Joseph C. Opare-Abetia
Patent Examiner
Art Unit 2165

Frantz Coby
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PRIMARY EXAMINER